



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 3, 1995

Ms. Kathleen Weisskopf  
Assistant City Attorney  
City of Arlington  
200 West Abram Street  
Arlington, Texas 76004-0231

OR95-1184

Dear Ms. Weisskopf:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36432.

The City of Arlington (the "city") received an open records request from a city employee for "access to any and all files, reports, documents, instruments, concerning my employment with the City of Arlington." You express concern that the request is overly broad and does not sufficiently advise the city of the precise records being requested. We agree that this request is overly broad. However, a request for records made pursuant to the Open Records Act may not be disregarded simply because a citizen does not specify the exact documents he desires. When a requestor makes a vague request, the governmental body should make a good faith effort to advise the requestor of the type of documents available so that the requestor may narrow the request. *See Open Records Decision No. 87 (1975).*

You inform us that the city made available to the requestor all existing records in his personnel file "about a month prior to [the] current request." Because you raise no exceptions with regard to those documents, we conclude the city must now make those documents available to the requestor at this time if he so desires. Once the requestor has identified other specific records he wishes to review, the city must either release those records or request a subsequent open records decision from this office.

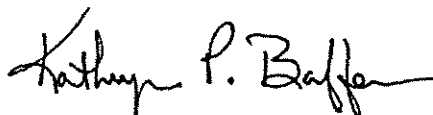
The requestor also seeks the following records:

any and all files, reports, documents, etc; which were mailed, faxed, delivered, telephoned, or otherwise communicated to the City of Arlington, from the City of Hurst which contain my name or interest.

You inform us that these particular records are the subject of a criminal investigation currently being conducted by the City of Hurst in which the requestor is accused of making "silent/ abusive 911 calls." You explain that the City of Hurst provided these records to the city "for our administrative disciplinary investigation" of the employee/requestor. You seek to withhold these records pursuant to the "law-enforcement" exception, section 552.108 of the Government Code.<sup>1</sup> Where an incident involving allegedly criminal conduct is still under active investigation or prosecution, section 552.108 may be invoked by any proper custodian of information which relates to the incident. Open Records Decision Nos. 474 (1987), 372 (1983). Because the prosecution of this case is currently pending, we conclude the city may withhold the City of Hurst's records at this time pursuant to section 552.108.<sup>2</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes  
Assistant Attorney General  
Open Records Division

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<sup>1</sup>You inform us, however, that the city has released to the requestor the "front page offense report information" held to constitute public information in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.-Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976).

<sup>2</sup>You also contend that the requested information from the City of Hurst is excepted from disclosure pursuant to section 552.103, the litigation exception. Because we have resolved your request under section 552.108 we do not address your section 552.103 arguments.

KPB/RWP/rho

Ref.: ID# 36432

Enclosures: Submitted documents

cc: Mr. Daniel W. Carroll  
549 Buena Vista Drive  
Hurst, Texas 76053  
(w/o enclosures)